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PATENT

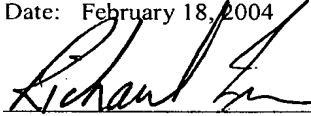
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hastings, et al.
Ser. No.: Not yet assigned
Filed: Herewith
Title: PERFORMANCE ENHANCING
DIETARY SUPPLEMENT
(Continuation of U.S. Application No.
09/175,748, Filed October 20, 1998
Examiner: R. Travers
Art Unit: 1617)

I hereby certify that this correspondence is being
deposited with the U.S. Postal Service as
Express Mail, Airbill No. EV323776436US,
in an envelope addressed to:

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on this date:

Date: February 18, 2004


Richard Zimmermann

ASSOCIATE POWER OF ATTORNEY

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a copy of the Declaration/Power of Attorney originally filed in the parent application, which is intended for use as the Declaration/Power of Attorney for the Continuation application filed herewith.

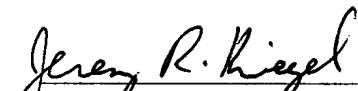
Please recognize the following attorneys as associates in the present application and all continuing applications claiming priority therefrom, with full powers to prosecute the applications and transact all business in the Patent Office connected therewith:

| | | | | | |
|---------------------|--------|------------------------|--------|-------------------------|--------|
| John B. Lungmus | 18,566 | Jeffrey S. Sharp | 31,879 | Joseph A. Williams, Jr. | 38,659 |
| Allen H. Gerstein | 22,218 | Martin J. Hirsch | 32,237 | Paul C. Craane | 38,851 |
| Nate F. Scarpelli | 22,320 | Richard M. Labarge | 32,254 | Bryan J. Lempia | 39,746 |
| Michael F. Borun | 25,447 | James J. Napoli, Ph.D. | 32,361 | David C. Read | 39,811 |
| Carl E. Moore, Jr. | 26,487 | Robert M. Gerstein | 34,824 | Thomas A. Miller | 40,091 |
| Richard H. Anderson | 26,526 | Michael R. Hull | 35,902 | William K. Merkel | 40,725 |
| Patrick D. Ertel | 26,877 | Anthony G. Sitko | 36,278 | Scott E. Baxendale | 41,605 |
| Richard B. Hoffman | 26,910 | Roger A. Heppermann | 37,641 | Brent E. Matthias | 41,974 |
| James P. Zeller | 28,491 | David A. Gass | 38,153 | Sandip H. Patel | 43,848 |
| Thomas I. Ross | 29,275 | Gregory C. Mayer | 38,238 | Kevin M. Flowers | 44,684 |
| Kevin D. Hogg | 31,839 | Michael R. Weiner | 38,359 | William J. Kramer | 46,229 |
| Jeremy R. Kriegel | 39,257 | | | | |

Please direct all correspondence relating to the above application to John B. Lungmus
at the following address and telephone number:

Marshall, Gerstein & Borun LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300

Date: February 18, 2004



Jeremy R. Kriegel
Registration No. 39,257

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Performance-Enhancing Dietary Supplement

the specification of which:

 X is attached hereto
 was filed on
Application Serial No.
and was amended on
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) (a copy of which is attached).

I hereby claim foreign priority benefits under Title 35, United States code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| | | | | |
|-------------------------------|--------------------------------|---|-------------------------------|-----------------------------|
| <u> </u> (Number) | <u> </u> (Country) | <u> </u> (Day/Month/Year Filed) | PRIORITY <u> </u> YES | CLAIMED <u> </u> NO |
| <u> </u> (Number) | <u> </u> (Country) | <u> </u> (Day/Month/Year Filed) | PRIORITY <u> </u> YES | CLAIMED <u> </u> NO |

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorney(s) and/or agent(s) with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

John B. Lungmus (Reg. No. 18,566), John W. Chestnut (Reg. No. 24,096), Richard B. Hoffman (Reg. No. 26,910), Vasilios D. Dossas (Reg. No. 30,745) and Jeremy R. Kriegel, Reg. No. 39,257, all of 100 South Wacker Drive, Chicago, Illinois 60606.

SEND CORRESPONDENCE TO:

JOHN B. LUNG MUS
TILTON, FALLON, LUNG MUS & CHESTNUT
100 South Wacker Drive, Suite 960
Chicago, Illinois 60606-4002

DIRECT TELEPHONE CALLS TO:

JOHN B. LUNG MUS
(312) 456-8000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor: Carl W. Hastings

Inventor's
Signature: Carl W. Hastings

Date: 10/19/98

Residence: Glencoe, Missouri 63038

Post Office Address: 18180 Bent Ridge Drive

Citizenship: U.S.A.

Full Name of Second Joint Inventor: David J. Barnes

Second Inventor's
Signature: David J. Barnes

Date: 10/19/98

Residence: Wildwood, Missouri 63040

Post Office Address: 253 Cove Landing Drive

Citizenship: U.S.A.

Full Name of Third Joint Inventor: Christine A. Daley

Third Inventor's
Signature: Christine A. Daley

Date: 10/19/98

Residence: Columbia, Illinois 62236

Post Office
Address: 1200 White Pine Circle

Citizenship: U.S.A.

§1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this specification are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EK 657 815 097US, in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 6-24-02 Signature: Richard Zimmermann
(Richard Zimmermann)

Docket No.:
30105/32001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl W. Hasting et al.

Application No.: 09/175,748

Group Art Unit: 1617

Filed: October 20, 1998

Examiner: R. Travis

For: Performance-Enhancing Dietary Supplement

DECLARATION OF DAVID J. BARNES

I, David J. Barnes, am one of the named inventors of the application Serial No. 09/175,748, filed October 20, 1998, and assigned to Reliv' International, Inc. located in Chesterfield, Missouri. I have been employed by Reliv' International, Inc. since 1993, as Director of Research and Quality Control (from 1993 to 1995), as Director of Technical Affairs and Manufacturing Operations (from 1995 to 2001), and as Vice President of Technical Affairs and Manufacturing Operations (from 2001 to present).

As Vice President of Technical Affairs and Manufacturing Operations, I am directly involved and fully informed concerning the manufacturer of dietary supplements by Reliv' International, Inc. I have personal knowledge that the Provantage dietary supplement described in the examples of the above-identified patent application and claimed in that application was conceived, reduced to practice, finalized, cleared for commercial production, and approved for sale by the company long before August 21, 1998, the filing date of Gardiner Patent 6,136,339.

Submitted herewith are two groups of documents marked Applicants' Exhibit A and Applicants' Exhibit B, respectively. Certain information--particularly the names of suppliers--has been blanked out because it is considered confidential information. Otherwise, the documents are true copies of the originals.

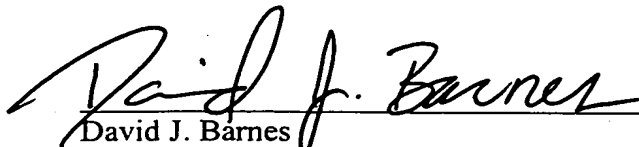
The documents of Exhibit A (three sheets) set forth the formulation for Provantage. They constitute a QA Batch Test Record resulting in approval of the formulation on October 6, 1997 for commercial production of the dietary supplement constituting this invention.

The second group of documents (Exhibit B, four sheets) constitutes a collection of records relating to the subsequent commercial production and clearance of the dietary supplement disclosed and claimed in the application. They reveal that the product went into commercial production on October 7, 1997 and was packaged and approved for sale on that date.

Since the Provantage product disclosed and claimed in the patent application was formulated, tested, approved, and commercially produced well before the filing date of Gardiner Patent 6,136,339, it follows that applicants' invention was completed, that is, conceived and reduced to practice, long before that filing date.

I have reviewed the Office Actions mailed June 20, 2001 and January 7, 2002, and I understand that the Examiner has rejected claims 11-14 and 25-27 as being anticipated by Gardiner Patent 6,136,339. I have reviewed that patent and respectfully submit that this declaration and the Exhibits appended hereto clearly establish that my co-inventors and I invented the subject matter of claims 11-14 and 25-27 prior to August 21, 1998 and, specifically, that my co-inventors and I invented a food supplement that includes both lipoic acid and creatine monohydrate long prior to the filing date of the Gardiner patent.

I further declare that the foregoing statements are true to the best of my knowledge and belief. I am aware that willfully making false statements may subject me to punishment and may jeopardize the validity of any patent(s) that may issue on the pending application.

A handwritten signature in black ink, appearing to read "David J. Barnes", is written over a horizontal line.

David J. Barnes
253 Cove Landing Drive
Wildwood, Missouri 63040

Dated: 6/19/02

TITLE Provantage #16 Final

Project No. _____
Book No. _____

83

From Page No. 69

objective : The Provantage formula #15 will be adjusted to accomodate for the increase in lecithin.

| | $\frac{\text{avg size} \times \%}{10} =$ | Grams | #16 Final % |
|-----------------------|--|----------|-------------|
| SuproFEXPHDIO | 61.8817 | 16.089 | 61.8808 |
| A.A. Premix | 2.6701 | 0.694 | 2.6692 |
| Fructose | 26.9723 | 2.034 | 27.0636 |
| * Lecithin | 2.00 | 0.520 | 2.000 |
| Corti PS 20 | 0.3086 | 0.080 | 0.3077 |
| * MCT POW. | 11.8903 | 0.491 | 11.8885 |
| Bioperine | 0.0101 | 0.003 | 0.0115 |
| Activin | 0.1930 | 0.050 | 0.1923 |
| COQ10 | 0.0302 | 0.008 | 0.0308 |
| L-carnitine | 0.2312 | 0.060 | 0.2308 |
| Creatin Monohydrate | 1.9262 | 0.501 | 1.9269 |
| BBA Vanilla Flv. 1499 | 1.2064 | 0.314 | 1.2077 |
| Art. Special Cpd. | 0.5006 | 0.130 | 0.500 |
| CLA (Tonalin) | 0.1005 | 0.026 | 0.100 |
| AlphaLipoic Acid | 0.0002 | 0.00005 | 0.0002 |
| | | 26.00005 | 100% |

* increased lecithin to 2%
* decreased MCT by 1%

age No. 90

Witnessed & Understood by me,

Date

Invented by

Date

To Page No. _____

Recorded by U

9-19-97

PENGAD-Beyenne, N.J.

APPLICANT'S
EXHIBIT

A

BATCH NUMBER

MANUFACTURING WEIGH-OUT RECORD

MASTER RECORD

RELIV

PROVANTAGE

SPEC. NO. 4040

BATCH SIZE (POUNDS) 1500

ISSUED BY

DATE ISSUED

PKD

10-3-97

INITIALS DATE

APPROVAL

MFG.

RED

O.A.

INITIALS

DATE WEIGHED

TIME WEIGH-OUT STARTED

TIME WEIGH-OUT COMPLETED

DATE

O.A. DISPOSITION

WEIGH-OUT SUPERVISOR

ORIG. 10/1/97

| SPEC. NO. | STEP | INGREDIENT | POUNDS | SUPPLIER | LOT NO. | PARTIAL WT. | CONTAINER | WEIGHED BY | VERIFIED BY | BAGS @ (WT) | FULL BAGS | | PARTIAL |
|-----------|------|-------------------------------|---------|----------|-------------|-------------|-----------|------------|-------------|-------------|-----------------------|----------|---------|
| | | | | | | | | | | | LOT NO. | ADDED BY | |
| 7038 | 4 | FRUCTOSE | 405.81 | | CF7027017K | 5.81 | 4 | AS | | 8 @ 150 | CF7027017RL | RE | RR |
| 7044 | 5 | LECITHIN | 30.00 | | 970781025-2 | 30.00 | 5 | AS | | | | | RR |
| 8935 | 5 | CLA (TONALIN) | 1.50 | | 97066005 | 1.50 | 5 | AS | | | | | RR |
| 8810 | 7 | SUPRO XT HO100 | 928.22 | | CL64XRLW002 | 2.12 | 7 | AS | | 21 @ (44.1) | * XRW002 CL6M 10-1 | RR | RR |
| 6012 | 8 | AMINO ACID PREMIX | 40.04 | | FD0092297 | 40.04 | 8 | KM | | | | | RR |
| 7130 | 9 | CORTI PS 20 | 4.61 | | 167379H | 4.61 | 9 | AS | | | | | RR |
| 8133 | 9 | CREATINE MONOHYDRATE | 28.91 | | 10404282 | 28.91 | 9 | KM | | | | | RR |
| 8215 | 9 | ART. SPECIAL COMPOUND (FBNAL) | 7.50 | | 369976970K | 7.50 | 9 | AS | | | | | RR |
| 8612 | 10 | MCT POWDER | 28.32 | | 97-014-14 | 28.32 | 10 | KM | | | | | RR |
| 8080 | 10 | BIOPERINE | 0.17 | | 2215 | 0.17 | 10 | AS | | | | | RR |
| 8008 | 10 | ACTIVIN | 2.88 | | 708002 | 2.88 | 10 | KM | | | | | RR |
| 8005 | 11 | ALPHA LIPOIC ACID | 0.003 | | 101591419 | 0.003 | 11 | PKD | | | | | RR |
| 7092 | 12 | CO Q 10 | 0.47 | | 7462 | 0.47 | 12 | AS | | | | | RR |
| 7091 | 12 | L-CARNITINE | 3.47 | | 970307 | 3.47 | 12 | AS | | | | | RR |
| 7034 | 12 | SBA VANILLA 14199 | 18.12 | | 9707K | 18.12 | 12 | AS | | | | | RR |
| TOTALS | | | 1500.00 | | *XRW002 | | | | | | | | |

APPROVE OR REJECT

RECORD COMPLETE

QA Batch Test Record
RELIV Products

Day Code 45061

Date 10.6.97

A = Acceptable

U= Unacceptable

Product: Peovantage

Shift 1[illegible]

APPROVAL:

MFG

R&D

Q.A.

DATE _____

6/4/43

6/4/93

14/43

REVISION 1

Master Packaging Bill of Materials

Product: U.S. PROVANTAGE

Date: 10-7-97

Auditor:

Code: 45071/45061

| Operation and Standard Conformance | | Initials |
|---|--|----------|
| All packaging removed from previous operation | | CAW |
| Label conforms to standard | | CAW |

| Packaging Allocation Tracking | | Estimated Number |
|--|--|------------------------|
| Number of labels allocated to job (based on 100% efficiency) | | 12,000 + 4,000 + 480 = |
| Label specification number | | 16,480 |
| Number of labels used on salable product | | 15,762 |
| Number of labels used on defective product | | — |
| Number of labels destroyed during processing | | 167 |
| Number of labels returned to storage | | 551 |

| Other Packaging For Job | | Size/ Number |
|--|--|--------------|
| Serving scoop size issued | | 70 CC |
| 401 x 411 cans conform to specification | | ✓ |
| 401 X 411 can bottoms conform to specification | | ✓ |

| Packaging Operation Data | |
|--|-----|
| Filling weight range (g) 401 x 411 can | 290 |
| Expiry date | — |
| Cans per case container | 6 |

Q.A. approval :

Explain any unusual occurrences or discrepancies on the back of this record.



Orig. 10/97

CAN LINE

START-UP & CHANGE OVER

CHECKLIST

****MUST BE COMPLETED BEFORE START-UP AND CHANGE OVER****

DATE: 10-2-97

DAY CODE: ^{OKD 10-7-97} ~~45071~~ 45061 45071

PRODUCT: ProVantage

- ☒ CHECK CAN CODE FOR CORRECTNESS AND LEGIBILITY.
- ☒ CHECK AND CALIBRATE SCALE. TARE OUT CAN, APPROPRIATE SCOOP AND INSERT.
- ☒ VERIFY LABELS AND INSERTS.
- ☒ REMOVE ANY MATERIAL FROM THE AREA THAT IS NOT BEING USED (EX. LABELS, DIFFERENT SCOOP SIZES, INSERTS).
- ☒ CHECK CASE CODER FOR PRODUCT AND DAY CODE.
- ☒ ENSURE THAT PRODUCT IS RELEASED THROUGH QUALITY CONTROL. ALL TOTES MUST HAVE GREEN STICKER.

CHECKED BY:

Q.A.

SUPERVISOR

Patty
Patty / Cheryl / Cheryl
45071
2nd

PRODUCTION FILLING RECORD

DATE 10-7-97

SHIFT 1

DAY CODE ~~45061~~ 45071 KVV
10/8/71

APPROVAL

~~MEG~~

R&D

Q.A.

DATE _____

1/20/97

1/20/97

4/20/97

[illegible]

6

9'000

TOTAL BATCHES**TOTAL POUNDS**

RELIV PRODUCTION TO WAREHOUSE RECORD

DATE 10-7-97

SHIFT 1

DAY CODE 45061 - 45071

APPROVAL

MFG

R&D

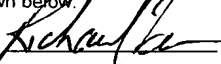
Q.A.

DATE 10/25/97

125/97

3/35/97

| PRODUCT | LOT NUMBER | PALLET NUMBER | NUMBER OF CASES | TIME | TRANSFERRED BY (PRODUCTION) |
|------------|---------------|------------------|--------------------|-------|--------------------------------|
| Provantage | 45061 | 100797-1 | 128 | 6:50 | <i>[Signature]</i> |
| " | 45061 | 100797-2 | 128 | 7:00 | <i>[Signature]</i> |
| " | 45061-45071 | 100797-3 | 128 | 7:55 | <i>[Signature]</i> |
| " | 45071 | 100797-4 | 128 | 8:15 | RLM |
| " | 45071 | 100797-5 | 128 | 8:23 | RLM |
| " | 45071 | 100797-6 | 128 | 9:08 | RLM |
| " | 45071 | 100797-7 | 128 | 9:20 | RLM |
| " | 45071 | 100797-8 | 128 | 9:38 | RLM |
| " | 45071 | 100797-9 | 128 | 10:12 | RLM |
| " | 45071 | 100797-10 | 128 | 10:20 | RLM |
| " | 45071 | 100797-11 | 128 | 10:37 | RLM |
| " | 45071 | 100797-12 | 128 | 11:37 | RLM |
| " | 45071 | 100797-13 | 128 | 12:00 | RLM |
| " | 45071 | 100797-14 | 128 | 12:18 | RLM |
| " | 45071 | 100797-15 | 128 | 12:27 | RLM |
| " | 45071 | 100797-16 | 128 | 12:42 | RLM |
| " | 45071 | 100797-17 | 128 | 12:54 | RLM |
| " | 45071 | 100797-18 | 128 | 1:34 | RLM |
| " | 45071 | 100797-19 | 128 | 1:45 | RLM |
| " | 45071 | 100797-20 | 128 | 2:03 | RLM |
| " | 45071 | 100797-21 | 62 | | |
| | | | | | |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail, Airbill No. EV323776436US, in an envelope addressed to: Mail Stop Patent Applications, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.
Dated: 02/18/04 Signature: 

Docket No.: 30105/32001A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl W. Hastings et al.

(Continuation of U.S. Patent
Application No.: 09/175,748
Filed: October 20, 1998)

Group Art Unit: 1617

Examiner: R. Travers

For: Performance Enhancing Dietary Supplement

(SECOND) SUPPLEMENTAL DECLARATION OF DAVID J. BARNES

I, David J. Barnes, am the same person that signed and submitted a Declaration dated June 19, 2002 and filed in the Patent and Trademark Office by Express Mail on June 24, 2002, which is incorporated herein by reference, in the application to which the present application is a Continuation.

On page 2 of that Declaration, in Paragraph 2, it is stated that the ProVantage product embodying this invention "went into commercial production on October 7, 1997 and was packaged and approved for sale on that date."

Nowhere in such Declaration is it stated that such product was sold or offered for sale on October 7, 1997. The facts are that ProVantage was not sold, offered for sale, or publicly known until Saturday, October 25, 1997. On that date, the ProVantage product was unveiled in a meeting in San Francisco attended by distributors and potential distributors of Reliv' International's products.

The Rollout Meeting of October 25, 1997 had been planned weeks earlier at Reliv' International, as reflected in an internal memorandum dated September 17, 1997 and appended hereto as Exhibit 1. The memorandum was prepared by Kathy Blunt, a Marketing Coordinator for Reliv' International products, and outlines on page 2 the arrangements being planned for the unveiling of the ProVantage product scheduled for Saturday morning, October 25, 1997. The Saturday October 25 meeting, as so planned on September 17, 1997, occurred substantially as outlined in the memorandum and constituted the first public exposure and offer for sale of the ProVantage product.

The memorandum refers to a Press Release to be available on October 25, 1997, but in fact the Press Release did not go out until three days later. A copy of the Press Release dated October 28, 1997 is appended hereto as Exhibit 2.

Therefore, while my earlier Declaration correctly states that ProVantage went into commercial production on October 7, 1997, and was approved on that date for public sale, no sale or offer for sale occurred until the product rollout on October 25, 1997. Production began on October 7 to build inventory for sales to be made on and after the product unveiling that occurred on October 25, 1997, and all sales of the ProVantage product have been well within the one-year period preceding the application filing date of October 20, 1998.

I further declare that I am warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any

patent(s) that may issue on the application, and I declare that all statements made of my own knowledge are true, and that all statements made on information and belief are believed to be true.

A handwritten signature in black ink, appearing to read "David J. Barnes", written over a horizontal line.

David J. Barnes
253 Cove Landing Drive
Wildwood, Missouri 63040

Dated: _____

2/3/84

NEWS RELEASE

FOR FURTHER INFORMATION, CONTACT:

David G. Kreher
Chief Operating Officer
(314) 537-9715

Fred A. Nielson
Investor Relations
(314) 537-9715

Reliv International Introduces New Soy-Based Sports Drink Targeting Functional Food and Sports Nutrition Markets

FOR IMMEDIATE RELEASE

CHESTERFIELD, MO, October 28, 1997 -- Reliv International, Inc. (NASDAQ - RELV), an international manufacturer and network marketer of nutritional supplements and other products, has introduced a new fitness drink mix--ProVantage™ Performance Enhancer--featuring soy protein as a primary ingredient. The new product expands Reliv's presence in two fast-growing categories: functional foods and sports nutrition.

The exclusive ProVantage formulation combines soy protein and other nutrients in a powdered drink mix. Recent clinical studies have linked the incorporation of soy protein in the diet to health benefits such as increased energy, increased endurance, lean muscle mass, decreased length of recovery after exercise, and increased immune system function.

ProVantage is designed to offer consumers a convenient, healthy way to increase protein consumption. Two 8-ounce ProVantage shakes per day will provide a total of 28 grams of protein, primarily from soy. "This is an exciting addition for Reliv in a very promising market," said Robert L. Montgomery, Reliv Chairman, President and CEO. "We expect ProVantage to complement our existing line of nutritional supplements and functional foods. As such, it should generate significant interest in the marketplace, and a healthy level of incremental sales."

Since 1996, Reliv has introduced a total of three functional food products, most of which draw on the Company's extensive experience in soy protein.

--MORE--

Reliv International, Inc., based in suburban St. Louis, manufactures and distributes several lines of food products, including nutritional and fiber supplements, diet management products, functional foods, sports drink mixes and premium skin care products. The Company also provides blending, processing and packaging services for other companies' food products on a contract basis. Reliv International's common stock is traded on the Nasdaq National Market tier of The Nasdaq Stock Market under the symbol RELV.

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Information contained in this release related to future sales should be considered forward looking and may be subject to the following risk factors, among others: acceptance of the products by distributors and customers, general sales trends and market conditions.

MEMO

TO: David Barnes
Marilyn Bryant
Martin Burks
Arlene Doyle
Don Gibbons
Steve Hastings
Dave Kreher
Scott Montgomery
Michelle Keefe
Melanie Wolff

FROM: Kathy Blunt

DATE: 9/17/97

RE: Notes for today's ProVantage Rollout Meeting

SAN FRANCISCO

Room Setup:

- Stage with pipe & drape
- Podium with mike
- Standing mike
- 2 lavaliere mikes
- Slide projector with remote
- Screen
- Reliv banners
- Product Display
- Music before and after meetings
- Registration table - outside of room
- Water stations - outside of room

NOTE: Don to contact distributors to setup product display and take care of registration.

Don to provide an evening meeting outline

Martin to bring music.

Friday Night Meeting, October 24:

- Begin at 7:30 p.m., end at 9:00 p.m. – Opportunity Meeting
- Open doors at 7:00 p.m.
- Handout: Meeting agenda
- Bob & Carl to speak

NOTE: Kathy to bring Opportunity Slides.

Saturday Meeting, October 25:

- Room Setup:
Same as Friday, with the addition of ProVantage banners & ProVantage product display(to be unveiled in the morning session)
- Morning Session: 9:00 a.m. to 11:30 a.m.
 - 9:30 a.m. Success Magazine – Don & Bob
 - 10:15 a.m. ProVantage – Dr. Carl & Dr. Ted
 - 11:30 a.m. Break
- Handouts:
ProVantage Brochure
Ad Slick
Press Release
- Break 11:30 a.m. to 1:30 p.m.
 - T-shirts for sale
 - Order Entry open ready to take orders
- Afternoon Session: 1:30 p.m. to 3:30 p.m.
 - 2 Ambassadors, possibly Pinnock & Williams for a Plan of Action Session

Nationwide Call on Saturday October 25:

- Melanie to setup